

### **REMARKS**

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments made to the claims and the remarks made herein.

Claims 1-4 are pending and stand rejected.

The Office Action states that the mailing certificate submitted in the prior Response showing the submission of the documents from which priority is claimed has been accepted. However, the actual documents have not been received. The objection to the claim for priority is being maintained until the documents are received.

Applicant respectfully disagrees with the continued objection to the claim for foreign priority and respectfully requests that the benefit of the earlier filing date be afforded the instant application. Applicant further requests that the re-submission of the required documents be held in abeyance as additional time is needed to obtain same.

The objection to the drawings is being maintained as the Office Action states that the corrected drawings were not submitted.

Applicant thanks the examiner for his observation and has submitted herewith an amended drawing of Fig. 1 with labeling contained in the blocks. The amended drawing is appropriately labeled Replacement drawing.

Having submitted an appropriately amended drawing, applicant believes that the reason for the examiner's objection has been overcome and can no longer be sustained. Applicant respectfully requests entry of the amended Fig. 1 and withdrawal of the objection.

Claims 1-4 are rejected under 35 USC §103(a) as being unpatentable over Wu (USP no. 6,700,933) in view of Han.

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims

Wu, as read by applicant, teaches a video encoding scheme that employs fine-granularity layered coding including a base layer of low quality video and multiple enhancement layers of increasingly higher quality video. The video encoding scheme

eliminates fluctuations in the video by predicting higher quality data from the lower quality data encoded in the base layer and a low quality enhancement layer.

The Office Action makes reference to col. 21, lines 41-56, in rejecting the claims, which state, in part, “[a] combined VLD and bit plane decoder module decodes the bit stream carrying the lower quality DCT residues. The recovered DCT coefficients are summed via summation 642 with the dequantized LQPD coefficients from the base layer decoder 602 to reproduce the encoded DCT coefficients. The ECD coefficients are passed to an IDCT transformer to reconstruct the enhancement layer.” (emphasis added). Hence, Wu teaches using the base layer to reconstruct the enhancement layer and fails to teach or suggest using the enhancement layer to replace the base layer as is recited in the claims.

Han, teaches the performance of systems with different combinations of errors in a multi-resolution layered encoded video signals.

The Office Action refers to page 289, 1<sup>st</sup> col., 4<sup>th</sup> para.; page 293, 1<sup>st</sup> col., 2<sup>nd</sup> para. and page 289, 2<sup>nd</sup> col. 3<sup>rd</sup> para., of the Han reference to show features of the present invention which are lacking in the Wu. Applicant, however, submits that none of these references teaches or suggesting “replacing each poor quality base layer frame by at least one of the two frames of the enhancement layer,” as is recited in the claims. Rather, the noted sections of Han describe the effect of errors in one or more layers on the display. For example, page 289, 1<sup>st</sup> col. 4<sup>th</sup> para. states “[f]irst, note that the definition of MLC, complete loss of the last layer is secondary or can even be insignificant or unnoticeable. This is illustrated in Figure 2. ... Any errors or packet loss occurring in layer four data can be masked by displaying the decoded image including only layers one to three. The result is a lower resolution, but otherwise perfect.” With reference to page 293, 1<sup>st</sup> col. 2<sup>nd</sup> para., which the Office Action states recites that the base layer can be replaced with a higher enhancement layer, this section states “[a]nother simulation of a very effective concealment scheme is performed using a part of the Salesman sequence with slow motion... The concealment method is very effective in this case since far less motion is present in the scene, which results in a higher PSNR for two-layer coding. This is in part due to the fact that affected blocks in the stationary background are copied from the

corresponding blocks in the previous frame perfectly in two-layer coding, while interpolated blocks are used for damaged blocks.”

Hence, contrary to the statements made in the Office Action, Han makes no suggestion of “replacing each poor quality base layer frame by at least one of the two frames of the enhancement layer,” as is recited in the claims. Rather, Han teaches that higher layers may be discarded with little loss or affected blocks may be copied from corresponding blocks in the previous frame – i.e., errors in a base layer may be corrected by coping from a corresponding base layer of a previous frame and errors in an enhancement layer may be corrected by coping from a corresponding layer in a previous frame.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

As noted above, Wu teaches a system wherein coefficients from a lower layer are used to reconstruct the enhancement layer. Wu fails to teach or suggest replacing a poor quality base layer frame by at least one of the two frames of the enhancement layer, as is recited in the claims. The failure to recite this element of the claim is also stated in the Office Action. (see page 6, lines 5-6). In fact, Wu teaches away from the present invention as Wu teaches a system that is opposite to that recited in the claims. More specifically, Wu teaches coefficients from lower quality layers are used to reconstruct coefficients in higher quality layer, whereas the present invention recites higher quality layer information replacing information in the lower quality layer (base layer).

Similarly, Han fails to teach “replacing each poor quality base layer frame by at least one of the two frames of the enhancement layer,” as recited in the claims.

Contrary to the statements in the Office Action, one would not be motivated to combine the teachings of Wu and Han to develop the novel features recited in the claims. Wu teaches using coefficients from a lower layer to reconstruct coefficients in a higher

quality layer and Han is silent with regard to “replacing each poor quality base layer frame by at least one of the two frames of the enhancement layer.”

Even if there were some suggestion to combine the teachings of Wu and Han, the combination of Wu and Han would fail to disclose all the elements recited in the claims. As noted, Wu teaches reconstructing coefficients of higher level from those of a lower level. Neither Wu nor Han teaches the replacement of the base layer with an enhancement layer, which is the subject matter recited in the claims.

Hence, the combination of Wu and Han cannot be said to render obvious the invention recited in the claims because even if the references were combined, the combined device would not include all the elements recited in the claims.

Having shown that the combination of Wu and Han fails to render obvious the present invention, applicant submits that the reason for the rejection of the claims has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

With regard to claims 2-3, these claims depend from independent claim 1 which has been shown to be allowable in view of the cited reference. Accordingly, these claims are also allowable by virtue of their dependence from an allowable base claim.


With regard to claim 4, this claim recites a video processor executing the method recited in claim 1 and has been rejected citing the same references used in rejecting claim 1. Thus, applicant's remarks made in response to the rejection of claim 1 are also applicable in response to the rejection of this claim. Applicant submits that for the remarks made with regard to the rejection of claim 1, which are reasserted, as if in full, in response to the rejection of claim 4, the rejection of claim 4 has been overcome and can no longer be sustained. Applicant respectfully requests withdrawal of the rejection and allowance of the claims.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Russell Gross  
Registration No. 40,007

Date: July 25, 2005

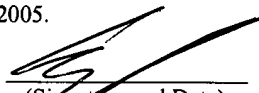
  
By: Steve Cha  
Attorney for Applicant  
Registration No. 44,069

**Mail all correspondence to:**  
Russell Gross, Registration No. 40,007  
US PHILIPS CORPORATION  
P.O. Box 3001  
Briarcliff Manor, NY 10510-8001  
Phone: (914) 333-9624  
Fax: (914) 332-0615

**Certificate of Mailing Under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA. 22313 on July 25, 2005.

Steve Cha, Reg. No. 44,069  
(Name of Registered Rep.)

  
(Signature and Date)